

Uniform Act on Prevention of and Remedies for Human Trafficking	North Carolina Law (Provisions similar to Uniform Act are highlighted)	Analysis of Substantive Differences
SECTION 1. SHORT TITLE. This [act] may be cited as the Uniform Act on Prevention of and Remedies for Human Trafficking.	None	
SECTION 2. DEFINITIONS. In this [act]: <ol style="list-style-type: none"> (1) “Adult” means an individual 18 years of age or older. (2) “Coercion” means: <ol style="list-style-type: none"> (A) the use or threat of force against, abduction of, serious harm to, or physical restraint of an individual; (B) the use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of an individual; (C) the abuse or threatened abuse of law or legal process; (D) controlling or threatening to control an individual’s access to a controlled substance as defined in [insert the appropriate state code sections defining controlled substances]; (E) the destruction or taking of or the threatened destruction or taking of an individual’s identification document or other property; (F) the use of debt bondage; (G) the use of an individual’s physical or mental 	§ 14-43.10. Definitions. (a) Definitions. — The following definitions apply in this Article: <ol style="list-style-type: none"> (1) Coercion. — The term includes all of the following: <ol style="list-style-type: none"> a. Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person. d. Providing a controlled substance, as defined by G.S. 90-87, to a person. c. Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person. 	Both the UAPRHT and NC law include a definitions section that defines specific terms used in their respective human trafficking statutes. Both the UAPRHT and NC law use the term “coercion” in the prohibition of human trafficking and define that term by listing several different methods of “coercion.” These methods listed in the statutes bear some similarities, such as threatening serious harm or physical restraint, controlled substances, and destruction of identification documents. NC also includes threatening to expose condemning information as a method of coercion. NC law lacks the comprehensive definition of “coercion” in the UAPRHT by leaving out several common methods of coercion used by human traffickers: use of a plan, pattern, or statement; abuse of the legal process; debt bondage; using an individual’s

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<p>impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function; or</p> <p>(H) the commission of civil or criminal fraud.</p> <p>(3) “Commercial sexual activity” means sexual activity for which anything of value is given to, promised to, or received, by a person.</p> <p>(4) “Debt bondage” means inducing an individual to provide:</p> <p>(A) commercial sexual activity in payment toward or satisfaction of a real or purported debt; or</p> <p>(B) labor or services in payment toward or satisfaction of a real or purported debt if:</p> <p>(i) the reasonable value of the labor or services is not applied toward the liquidation of the debt; or</p> <p>(ii) the length of the labor or services is not limited and the nature of the labor or services is not defined.</p>	<p>b. Exposing or threatening to expose any fact or information that if revealed would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule.</p> <p>(2) Deception. — The term includes all of the following:</p> <p>a. Creating or confirming another's impression of an existing fact or past event that is false and which the accused knows or believes to be false.</p> <p>b. Maintaining the status or condition of a person arising from a pledge by that person of his or her personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and</p>	<p>physical or mental impairment; and, the commission of fraud. However, it should be noted that debt bondage is included as a method of “deception” under NC law.</p> <p>See Sections 6 and 7 (below) regarding Patronizing a Victim of Sexual Servitude and Patronizing a Minor for NC law's enhanced penalty when a prostitute is a severely or profoundly mentally disabled person (G.S. 14-205.2(d)). See also G.S. 14-205.3(b)—Promoting Prostitution—for enhanced penalties.</p>

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<p>(5) “Human trafficking” means the commission of an offense created by Sections 3 through 7.</p> <p>(6) “Identification document” means a passport, driver’s license, immigration document, travel document, or other government-issued identification document, including a document issued by a foreign government.</p> <p>(7) “Labor or services” means activity having economic value.</p> <p>(8) “Minor” means an individual less than 18 years of age.</p> <p>(9) “Person” means an individual, estate, business or nonprofit entity, or other legal entity. The term does not include a public corporation or government or governmental subdivision, agency, or instrumentality.</p> <p>(10) “Serious harm” means harm, whether physical or nonphysical, including psychological, economic, or reputational, to an individual which would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform</p>	<p>defined, or preventing a person from acquiring information pertinent to the disposition of such debt.</p> <p>c. Promising benefits or the performance of services that the accused does not intend to deliver or perform or knows will not be delivered or performed.</p> <p>(3) Involuntary servitude. — The term includes the following:</p> <p>a. The performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt; and</p> <p>b. By deception, coercion, or intimidation using violence or the threat of violence or by any other means of coercion or intimidation.</p> <p>(4) Minor. — A person who is less than 18 years of age.</p>	

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<p>labor or services or sexual activity to avoid incurring the harm.</p> <p>(11) “Sexual activity” means [insert covered sexual activities]. The term includes a sexually-explicit performance.</p> <p>(12) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.</p> <p>(13) “Victim” means an individual who is subjected to human trafficking or to conduct that would have constituted human trafficking had this [act] been in effect when the conduct occurred, regardless of whether a perpetrator is identified, apprehended, prosecuted, or convicted.</p>	<p>(5) Sexual servitude. — The term includes the following:</p> <p>a. Any sexual activity as defined in G.S. 14-190.13 for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or</p> <p>b. Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.</p>	
<p>SECTION 3. TRAFFICKING AN INDIVIDUAL.</p> <p>(a) A person commits the offense of trafficking an individual if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of:</p> <p>(1) forced labor in violation of Section 4; or</p>	<p>§ 14-43.11. Human trafficking.</p> <p>(a) A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in</p>	<p>Both the UAPRHT and NC law prohibit human trafficking for forced labor and sexual servitude.</p> <p>Both statutes classify the offense as a felony and include a heightened penalty when the victim is a minor.</p>

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<p>(2) sexual servitude in violation of Section 5.</p> <p>(b) Trafficking an individual who is an adult is a [class c felony].</p> <p>(c) Trafficking an individual who is a minor is a [class b felony].</p>	<p>involuntary servitude or sexual servitude.</p> <p>(b) A person who violates this section is guilty of a Class C felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class B2 felony if the victim of the offense is a minor.</p> <p>(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section.</p> <p>(c1) Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.</p> <p>(d) A person who is not a legal resident of North Carolina, and would consequently be ineligible for State public benefits or services, shall be eligible for the public benefits and services of any State agency if the person is otherwise eligible for the public benefit and is a victim of an offense charged under this section. Eligibility for public benefits and services shall terminate at such time as the victim's eligibility to remain in the United States is terminated under federal law.</p>	
<p>SECTION 4. FORCED LABOR.</p> <p>(a) A person commits the offense of forced labor if the person knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under federal law or law of this state other than this [act].</p> <p>(b) Forced labor of an individual who is an adult is a [class c felony].</p> <p>(c) Forced labor of an individual who is a minor is a [class b felony].</p>	<p>§ 14-43.12. Involuntary servitude.</p> <p>(a) A person commits the offense of involuntary servitude when that person knowingly and willfully or in reckless disregard of the consequences of the action holds another in involuntary servitude.</p> <p>(b) A person who violates this section is guilty of a Class F felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor.</p> <p>(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not</p>	<p>The UAPRHT and NC law both expressly prohibit forced labor. The UAPRHT prohibits the use of coercion to compel an individual into forced labor. Similarly, NC law defines “involuntary servitude” as forcing one to provide labor through the use of coercion or deception. As explained on page 1 of this document, the definition of “coercion” differs between the UAPRHT and NC law.</p> <p>Both statutes assign a felony-</p>

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	<p>be sufficient to authorize a conviction under this section.</p> <p>(c1) Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.</p> <p>(d) Nothing in this section shall be construed to affect the laws governing the relationship between an unemancipated minor and his or her parents or legal guardian.</p> <p>(e) If any person reports a violation of this section, which violation arises out of any contract for labor, to any party to the contract, the party shall immediately report the violation to the sheriff of the county in which the violation is alleged to have occurred for appropriate action. A person violating this subsection shall be guilty of a Class 1 misdemeanor.</p>	<p>level penalty for the offense and include a heightened penalty when the victim is a minor.</p> <p>The NC statute includes an additional reporting requirement that is not found in the UAPRHT.</p>
<p>SECTION 5. SEXUAL SERVITUDE.</p> <p>(a) A person commits the offense of sexual servitude if the person knowingly:</p> <p>(1) maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity; or</p> <p>(2) uses coercion or deception to compel an adult to engage in commercial sexual activity.</p> <p>(b) It is not a defense in a prosecution under subsection (a)(1) that the minor consented to engage in commercial sexual activity or that the defendant believed the minor was an adult.</p> <p>(c) Sexual servitude under subsection (a)(1) is a [class b felony].</p> <p>(d) Sexual servitude under subsection (a)(2) is a [class c felony].</p>	<p>§ 14-43.13. Sexual servitude.</p> <p>(a) A person commits the offense of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects or maintains another in sexual servitude.</p> <p>(b) A person who violates this section is guilty of a Class D felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor.</p> <p>(b1) Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.</p> <p>(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section.</p>	<p>Both the UAPRHT and NC law prohibit sexual servitude. The UAPRHT sets forth two different types of offenses for sexual servitude – (1) maintaining a minor, and (2) coercing or deceiving an adult into commercial sexual activity. Similarly, NC law defines “sexual servitude” as commercial sexual activity that is induced from a minor or the use of coercion or deception to force an adult into a commercial sex act. As explained on page 1 of this document, the definition of “coercion” varies between the UAPRHT and NC law</p> <p>The UAPRHT and NC law include express provisions that mistake of age or consent of the minor is not a defense.</p>

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		The UAPRHT and NC law both define the offense as a felony and include a heightened penalty when the victim is a minor.
<p>SECTION 6. PATRONIZING A VICTIM OF SEXUAL SERVITUDE.</p> <p>(a) A person commits the offense of patronizing a victim of sexual servitude if the person knowingly gives, agrees to give, or offers to give anything of value so that an individual may engage in commercial sexual activity with another individual and the person knows that the other individual is a victim of sexual servitude.</p> <p>(b) Patronizing a victim of sexual servitude who is an adult is a [class d felony].</p> <p>(c) Patronizing a victim of sexual servitude who is a minor is a [class c felony].</p>	<p>§ 14-205.2. Patronizing a prostitute.</p> <p>(a) Any person who willfully performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:</p> <p>(1) Engages in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification with a prostitute.</p> <p>(2) Enters or remains in a place of prostitution with intent to engage in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification.</p> <p>(b) Except as provided in subsections (c) and (d) of this section, a first violation of this section is a Class A1 misdemeanor. Unless a higher penalty applies, a second or subsequent violation of this section is a Class G felony.</p> <p>(c) A violation of this section is a Class F felony if the defendant is 18 years of age or older and the prostitute is a minor.</p> <p>(d) A violation of this section is a Class D felony if the prostitute is a severely or profoundly mentally disabled person.</p>	<p>The UAPRHT classifies patronizing a victim of sexual servitude as a Class D Felony if the person patronizing the victim <i>knows</i> that the person is a victim of sexual servitude.</p> <p>NC law does not have a specific statute that proscribes patronizing a prostitute who is a “victim of sexual servitude.” However, under NC law, it is a misdemeanor to patronize a prostitute for a first offense, and a Class G felony to patronize a prostitute for subsequent offenses.</p>
<p>[SECTION 7. PATRONIZING A MINOR FOR COMMERCIAL SEXUAL ACTIVITY.</p> <p>(a) A person commits the offense of patronizing a minor for commercial sexual activity if:</p> <p>(1) with the intent that an individual engage in commercial</p>	<p>§ 14-205.2. Patronizing a prostitute.</p> <p>(a) Any person who willfully performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:</p> <p>(1) Engages in vaginal intercourse, any sexual act as</p>	<p>NC law has an express prohibition against patronizing a prostituted minor.</p> <p>NC lacks the UAPRHT’s heightened penalty for giving or agreeing to give something</p>

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<p>sexual activity with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or another person so that the individual may engage in commercial sexual activity with a minor; or</p> <p>(2) the person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor.</p> <p>(b) Patronizing a minor for commercial sexual activity under subsection (a)(1) is a [class b felony].</p> <p>(c) Patronizing a minor for commercial sexual activity under subsection (a)(2) is a [class c felony].]</p>	<p>defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification with a prostitute.</p> <p>(2) Enters or remains in a place of prostitution with intent to engage in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification.</p> <p>(b) Except as provided in subsections (c) and (d) of this section, a first violation of this section is a Class A1 misdemeanor. Unless a higher penalty applies, a second or subsequent violation of this section is a Class G felony.</p> <p>(c) A violation of this section is a Class F felony if the defendant is 18 years of age or older and the prostitute is a minor.</p> <p>(d) A violation of this section is a Class D felony if the prostitute is a severely or profoundly mentally disabled person.</p>	<p>of value <u>with the intent</u> of engaging in commercial sexual activity with a minor.</p>
<p>SECTION 8. BUSINESS ENTITY LIABILITY.</p> <p>(a) A person that is a business entity may be prosecuted for an offense under Sections 3 through 7 only if:</p> <p>(1) the entity knowingly engages in conduct that constitutes human trafficking; or</p> <p>(2) an employee or nonemployee agent of the entity engages in conduct that constitutes human trafficking and the conduct is part of a pattern of activity in violation of this [act] for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop.</p> <p>(b) When a person that is a business entity is prosecuted for an offense under Sections 3 through 7, the court may consider the severity of the entity's conduct and order penalties in addition to those otherwise provided for the offense, including:</p>	<p>§ 14-39. Kidnapping.</p> <p>(a) Any person who shall unlawfully confine, restrain, or remove from one place to another, any other person 16 years of age or over without the consent of such person, or any other person under the age of 16 years without the consent of a parent or legal custodian of such person, shall be guilty of kidnapping if such confinement, restraint or removal is for the purpose of:</p> <p>...</p> <p>(4) Holding such other person in involuntary servitude in violation of G.S. 14-43.12</p> <p>(5) Trafficking another person with the intent that the other person be held in involuntary servitude or sexual servitude in violation of G.S. 14-43.11.</p> <p>(6) Subjecting or maintaining such other person for sexual servitude in violation of G.S. 14-43.13.</p>	<p>When a business entity knowingly engages in human trafficking, or benefits from human trafficking that the entity knew was occurring and failed to stop, the entity may be prosecuted under the UAPRHT.</p> <p>Under NC law, kidnapping includes confining, restraining, or removing a person for the purpose of involuntary servitude, human trafficking, or sexual servitude. A corporation can be found guilty of kidnapping under this statute and sentenced to a fine as well as having its charter and right to do business</p>

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<p>(1) a fine of not more than \$[1,000,000] per offense;</p> <p>(2) disgorgement of profit from activity in violation of this [act]; and</p> <p>(3) debarment from state and local government contracts.</p>	<p>...</p> <p>(c) Any firm or corporation convicted of kidnapping shall be punished by a fine of not less than five thousand dollars (\$5,000) nor more than one hundred thousand dollars (\$100,000), and its charter and right to do business in the State of North Carolina shall be forfeited.</p>	<p>forfeited.</p>
<p>[SECTION 9. AGGRAVATING CIRCUMSTANCE.</p> <p>(a) An aggravating circumstance during the commission of an offense under Section 3, 4, or 5 occurs when [:</p> <p>(1)] the defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault, runaway youth, foster children, or the homeless[; or</p> <p>(2) [insert any additional aggravating factor]].</p> <p>(b) If the trier of fact finds that an aggravating circumstance occurred during the commission of an offense under Section 3, 4, or 5, the defendant may be imprisoned for up to [five] years in addition to the period of imprisonment prescribed for the offense.]</p>	<p>§ 15A-1340.16. Aggravated and mitigated sentences.</p> <p>(a) Generally, Burden of Proof. — The court shall consider evidence of aggravating or mitigating factors present in the offense that make an aggravated or mitigated sentence appropriate, but the decision to depart from the presumptive range is in the discretion of the court. The State bears the burden of proving beyond a reasonable doubt that an aggravating factor exists, and the offender bears the burden of proving by a preponderance of the evidence that a mitigating factor exists.</p> <p>...</p> <p>(d) Aggravating Factors. — The following are aggravating factors:</p> <p>...</p> <p>(19a) The offense is a violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) and involved multiple victims.</p> <p>(19b) The offense is a violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude), and the victim suffered serious injury as a result of the offense.</p> <p>....</p>	<p>The UAPRHT includes a section on aggravating circumstances that increase a prison sentence for a person convicted of human trafficking. The specified circumstance reflects a way in which traffickers obtain victims from shelters.</p> <p>While NC law does not include the specific aggravating factor listed in the UAPRHT, NC law does include two specific aggravating factors for human trafficking, involuntary servitude, and sexual servitude: (1) when the offense involves multiple victims; and (2) when a victim suffers “serious injury[.]”</p>
<p>SECTION 10. RESTITUTION.</p> <p>(a) The court shall order a person convicted of an offense under Section 3, 4, or 5 to pay restitution to the victim of the offense for:</p> <p>(1) expenses incurred or reasonably certain to be incurred</p>	<p>§ 14-43.20. Mandatory restitution; victim services; forfeiture.</p> <p>(a) Definition. — For purposes of this section, a "victim" is a person subjected to the practices set forth in G.S. 14-43.11, 14-43.12, or 14-43.13.</p>	<p>The UAPRHT and NC law require an offender to pay restitution to a human trafficking victim. Both statutes include an amount equal to the value of the victim’s labor. The UAPRHT</p>

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<p>by the victim as a result of the offense, including reasonable attorney's fees and costs; and</p> <p>(2) an amount equal to the greatest of the following, with no reduction for expenses the defendant incurred to maintain the victim:</p> <p>(A) the gross income to the defendant for, or the value to the defendant of, the victim's labor or services or sexual activity;</p> <p>(B) the amount the defendant contracted to pay the victim; or</p> <p>(C) the value of the victim's labor or services or sexual activity, calculated under the minimum-wage and overtime provisions of the Fair Labor Standards Act, 29 U.S.C. Section 201 et seq.[, as amended,] or [cite state minimum-wage and overtime provisions], whichever is higher, even if the provisions do not apply to the victim's labor or services or sexual activity.</p> <p>(b) The court shall order restitution under subsection (a) even if the victim is unavailable to accept payment of restitution.</p> <p>(c) If the victim does not claim restitution ordered under subsection (a) for five years after entry of the order, the restitution must be paid to the [[Council] on Human Trafficking created under Section 19] [[insert applicable state-crime-victims compensation fund] to help victims].</p>	<p>(b) Restitution. — Restitution for a victim is mandatory under this Article. At a minimum, the court shall order restitution in an amount equal to the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA). In addition, the judge may order any other amount of loss identified, including the gross income or value to the defendant of the victim's labor or services.</p> <p>...</p> <p>(d) Certification. — The Attorney General, a district attorney, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Article for a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 has begun and the individual who is a likely victim of one of those crimes is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims who are under 18 years of age. This certification shall be made available to the victim and the victim's designated legal representative.</p> <p>....</p>	<p>also expressly includes "expenses incurred or reasonably certain to be incurred by the victim[.]" Although the NC statute does not contain the same language, it allows judges leeway to include "any other amount of loss identified[.]"</p> <p>Under the UAPRHT, the offender is required to pay the restitution even if the victim is unavailable.</p> <p>Under NC law, a victim, but not a minor victim, must cooperate with law enforcement in order to qualify for federal benefits and an immigrant visa. See also Section 22.</p>
<p>[SECTION 11. FORFEITURE.</p> <p>(a) On motion, the court shall order a person convicted of an offense under Section 3, 4, or 5 to forfeit any interest in real or personal property that:</p> <p>(1) was used or intended to be used to commit or facilitate the commission of the offense; or</p>	<p>§ 14-43.20. Mandatory restitution; victim services; forfeiture.</p> <p>...</p> <p>(e) A person who commits a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 is subject to the property forfeiture provisions set forth in G.S. 14-2.3.</p>	<p>Both the UAPRHT and NC law include specific forfeiture provisions that require a convicted offender to turn over property.</p> <p>The UAPRHT establishes a defense that an owner may assert.</p>

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<p>(2) constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense.</p> <p>(b) In a proceeding against real or personal property under this section, the person convicted of the offense may assert a defense that the forfeiture is manifestly disproportional to the seriousness of the offense. The person has the burden to establish the defense by a preponderance of the evidence.</p> <p>(c) Proceeds from the public sale or auction of property forfeited under subsection (a) must be distributed in the manner provided for the distribution of the proceeds of [criminal forfeitures] [judicial sales].]</p>	<p>§ 14-2.3. Forfeiture of gain acquired through criminal activity.</p> <p>(a) Except as is otherwise provided in Article 3 of Chapter 31A, in the case of any violation of Article 13A of Chapter 14, or a general statute constituting a felony other than a nonwillful homicide, any money or other property or interest in property acquired thereby shall be forfeited to the State of North Carolina, including any profits, gain, remuneration, or compensation directly or indirectly collected by or accruing to any offender.</p> <p>(b) An action to recover such property shall be brought by either a District Attorney or the Attorney General pursuant to G.S. 1-532. The action must be brought within three years from the date of the conviction for the offense.</p> <p>(c) Nothing in this section shall be construed to require forfeiture of any money or property recovered by law-enforcement officers pursuant to the investigation of an offense when the money or property is readily identifiable by the owner or guardian of the property or is traceable to him.</p>	
<p>[SECTION 12. STATUTE OF LIMITATIONS.</p> <p>A prosecution for an offense under this [act] must be commenced not later than 20 years after commission of the offense.]</p>	<p>State v. Johnson, 275 N.C. 264, 271, 167 S.E.2d 274, 279 (1969).</p> <p>"In this State no statute of limitations bars the prosecution of a felony."</p> <hr/> <p>§ 15-1. Statute of limitations for misdemeanors.</p> <p>The crimes of deceit and malicious mischief, and the crime of petit larceny where the value of the property does not exceed five dollars (\$5.00), and all misdemeanors except malicious misdemeanors, shall be presented or found by the grand jury within two years after the commission of the same, and not afterwards: Provided, that if any indictment found within that time shall be defective, so that no judgment can be given thereon, another prosecution may be instituted for the same offense, within one year after the first shall have been abandoned by the State.</p>	<p>The UAPRHT provides a twenty year statute of limitations for offenses under the Act.</p> <p>NC law does not have a statute of limitations for felonies. However, there is a two year statute of limitations for misdemeanors.</p>

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<p>SECTION 13. VICTIM CONFIDENTIALITY.</p> <p>In an investigation of or a prosecution for an offense under this [act], [law-enforcement officers and prosecuting agencies] shall keep confidential the identity, pictures, and images of the alleged victim and the family of the alleged victim, except to the extent that disclosure is:</p> <p>(1) necessary for the purpose of investigation or prosecution;</p> <p>(2) required by law or court order; or</p> <p>(3) necessary to ensure provision of services or benefits for the victim or the victim's family.</p>	<p>§ 15C-3. Address Confidentiality Program.</p> <p>The General Assembly establishes the Address Confidentiality Program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the victim's assailants or potential assailants from finding the victim through public records. Under this Program, the Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail or certified or registered mail. The Attorney General shall not be required to forward any mail other than first-class mail or certified or registered mail to the program participant. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered mail.</p>	<p>Under the UAPRHT, a victim's identity and images are confidential along with the identity and images of a victim's family.</p> <p>NC law allows human trafficking victims to take part in an address confidentiality program that protects their address from public records. However, NC law does not require that a victim's identity and images remain confidential.</p>
<p>SECTION 14. PAST SEXUAL BEHAVIOR OF VICTIM.</p> <p>In a prosecution for an offense under this [act] or a civil action under Section 18, evidence of a specific instance of the alleged victim's past sexual behavior or reputation or opinion evidence of past sexual behavior of the alleged victim is not admissible unless the evidence is:</p> <p>(1) admitted in accordance with [cite state's rape-shield evidence rule or statute]; or</p> <p>(2) offered by the prosecution to prove a pattern of human trafficking by the defendant.</p>	<p>Rule 412. Rape or sex offense cases; relevance of victim's past behavior.</p> <p>(a) As used in this rule, the term "sexual behavior" means sexual activity of the complainant other than the sexual act which is at issue in the indictment on trial.</p> <p>(b) Notwithstanding any other provision of law, the sexual behavior of the complainant is irrelevant to any issue in the prosecution unless such behavior:</p> <p>(1) Was between the complainant and the defendant; or</p> <p>(2) Is evidence of specific instances of sexual behavior offered for the purpose of showing that the act or acts charged were not committed by the defendant; or</p> <p>(3) Is evidence of a pattern of sexual behavior so distinctive and so closely resembling the defendant's version of the alleged encounter with the complainant as to tend to prove that such complainant consented to the act or acts charged or behaved in such a manner as to lead the defendant</p>	<p>The UAPRHT governs the use of evidence of a victim's past sexual behavior in a prosecution or a civil action.</p> <p>NC law contains a rape-shield statute generally prohibiting the use of evidence of a victim's sexual behavior in certain prosecutions.</p>

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	<p>reasonably to believe that the complainant consented; or</p> <p>(4) Is evidence of sexual behavior offered as the basis of expert psychological or psychiatric opinion that the complainant fantasized or invented the act or acts charged.</p> <p>(c) Sexual behavior otherwise admissible under this rule may not be proved by reputation or opinion.</p> <p>(d) Notwithstanding any other provision of law, unless and until the court determines that evidence of sexual behavior is relevant under subdivision (b), no reference to this behavior may be made in the presence of the jury and no evidence of this behavior may be introduced at any time during the trial of:</p> <p>(1) A charge of rape or a lesser included offense of rape;</p> <p>(2) A charge of a sex offense or a lesser included offense of a sex offense; or</p> <p>(3) An offense being tried jointly with a charge of rape or a sex offense, or with a lesser included offense of rape or a sex offense.</p> <p>Before any questions pertaining to such evidence are asked of any witness, the proponent of such evidence shall first apply to the court for a determination of the relevance of the sexual behavior to which it relates. The proponent of such evidence may make application either prior to trial pursuant to G.S. 15A-952, or during the trial at the time when the proponent desires to introduce such evidence. When application is made, the court shall conduct an in camera hearing, which shall be transcribed, to consider the proponent's offer of proof and the argument of counsel, including any counsel for the complainant, to determine the extent to which such behavior is relevant. In the hearing, the proponent of the evidence shall establish the basis of admissibility of such evidence. Notwithstanding subdivision (b) of Rule 104, if the relevancy of the evidence which the proponent seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at</p>	

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	<p>the in camera hearing or at a subsequent in camera hearing scheduled for that purpose, shall accept evidence on the issue of whether that condition of fact is fulfilled and shall determine that issue. If the court finds that the evidence is relevant, it shall enter an order stating that the evidence may be admitted and the nature of the questions which will be permitted.</p> <p>....</p>	
<p>SECTION 15. IMMUNITY OF MINOR.</p> <p>(a) An individual is not criminally liable or subject to a [juvenile-delinquency proceeding] for [prostitution] or [insert other nonviolent offenses] if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim.</p> <p>(b) An individual who has engaged in commercial sexual activity is not criminally liable or subject to a [juvenile-delinquency proceeding] for [prostitution] if the individual was a minor at the time of the offense.</p> <p>(c) A minor who under subsection (a) or (b) is not subject to criminal liability or a [juvenile-delinquency proceeding] is presumed to be a [child in need of services] under [cite child-protection statutes].</p> <p>(d) This section does not apply in a prosecution or a [juvenile-delinquency proceeding] for [patronizing a prostitute].</p>	<p>§ 14-204. Prostitution.</p> <p>...</p> <p>(c) Immunity From Prosecution for Minors. — Notwithstanding any other provision of this section, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a minor, that person shall be immune from prosecution under this section and instead shall be taken into temporary protective custody as an undisciplined juvenile pursuant to Article 19 of Chapter 7B of the General Statutes. Pursuant to the provisions of G.S. 7B-301, a law enforcement officer who takes a minor into custody under this section shall immediately report an allegation of a violation of G.S. 14-43.11 and G.S. 14-43.13 to the director of the department of social services in the county where the minor resides or is found, as appropriate, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and G.S. 7B-302.</p> <hr/> <p>§ 14-205.1. Solicitation of prostitution.</p> <p>...</p> <p>(b) Immunity From Prosecution for Minors. — Notwithstanding any other provision of this section, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a minor who is soliciting as a prostitute, that person shall be immune from prosecution under this section and instead shall be taken into temporary protective custody as an undisciplined juvenile pursuant to Article 19 of Chapter 7B of the General Statutes. Pursuant to the provisions of G.S. 7B-</p>	<p>The UAPRHT provides for immunity of a minor from criminal liability for prostitution when the minor committed the offense as the direct result of being a victim or was engaged in commercial sexual activity. The UAPRHT also presumes that such a minor is a child in need of child protective services.</p> <p>Similarly, NC law gives immunity to minors who are alleged to have committed the offenses of prostitution or solicitation of prostitution. NC law also directs that the child be referred to DSS for investigation into child abuse or child neglect.</p>

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	301, a law enforcement officer who takes a minor into custody under this section shall immediately report an allegation of a violation of G.S. 14-43.11 and G.S. 14-43.13 to the director of the department of social services in the county where the minor resides or is found, as appropriate, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and G.S. 7B-302.	
<p>SECTION 16. AFFIRMATIVE DEFENSE OF VICTIM.</p> <p>An individual charged with [prostitution] or [insert other nonviolent offenses] committed as a direct result of being a victim may assert an affirmative defense that the individual is a victim.</p>	None	<p>The UAPRHT allows a victim of human trafficking to assert an affirmative defense to a charge of prostitution based on the person's status as a victim at the time of the offense.</p> <p>NC law does not have any corresponding provision.</p> <p>NC law requires that a person found guilty or who pleads guilty to prostitution for the first time shall be placed on probation (G.S. 14-204(b)). Upon fulfillment of the terms of probation, the court shall discharge the person and dismiss the proceedings.</p>
<p>SECTION 17. MOTION TO VACATE AND EXPUNGE CONVICTION.</p> <p>(a) An individual convicted of [prostitution] or [insert other nonviolent offenses] committed as a direct result of being a victim may apply by motion to [insert name of appropriate court] to vacate the conviction and expunge the record of conviction. The court may grant the motion on a finding that the individual's participation in the offense was a direct result of being a victim.</p> <p>(b) No official determination or documentation is required to grant a motion by an individual under subsection (a), but an</p>	<p>§ 15A-1415. Grounds for appropriate relief which may be asserted by defendant after verdict; limitation as to time.</p> <p>...</p> <p>(b) The following are the only grounds which the defendant may assert by a motion for appropriate relief made more than 10 days after entry of judgment:</p> <p>...</p> <p>(10) The defendant was convicted of a first offense of prostitution under G.S. 14-204, and the court did not discharge the defendant and dismiss the charge pursuant to G.S. 14-204(b); the defendant's participation in the offense</p>	<p>Both the UAPRHT and NC law allow a victim who has been convicted of prostitution that was committed as a direct result of being a human trafficking victim to move to have the conviction vacated and apply to have the victim's record expunged.</p>

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<p>official determination or documentation from a federal, state, local, or tribal agency that the individual was a victim at the time of the offense creates a presumption that the individual's participation was a direct result of being a victim.</p> <p>(c) A motion filed under subsection (a), any hearing conducted on the motion, and any relief granted are governed by [insert the appropriate state code section governing post-conviction-relief procedures].</p>	<p>was a result of having been a victim of human trafficking under G.S. 14-43.11, sexual servitude under G.S. 14-43.13, or the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)); and the defendant seeks to have the conviction vacated.</p> <p>....</p> <hr/> <p>§ 15A-1416.1. Motion by the defendant to vacate prostitution conviction for sex trafficking victim.</p> <p>(a) A motion for appropriate relief seeking to vacate a conviction for prostitution based on the grounds set out in G.S. 15A-1415(b)(10) shall be filed in the court where the conviction occurred. The motion may be filed at any time following the entry of a verdict or finding of guilty under G.S. 14-204. Any motion for appropriate relief filed under this section shall state why the facts giving rise to this motion were not presented to the trial court and shall be made with due diligence after the defendant has ceased to be a victim of such trafficking or has sought services for victims of such offenses, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such motion or for other reasons consistent with the purpose of this section. Reasonable notice of the motion shall be served upon the State.</p> <p>(b) The court may grant the motion if, in the discretion of the court, the violation was a result of the defendant having been a victim of human trafficking or sexual servitude. Evidence of such may include any of the following documents listed in subdivisions (1) through (3) of this subsection; alternatively, the court may consider such other evidence as it deems of sufficient credibility and probative value in determining whether the defendant is a trafficking victim:</p> <p>(1) Certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a person charged with an offense under G.S. 14-43.11, G.S.</p>	

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	<p>14-43.13, or under 22 U.S.C. Chapter 78.</p> <p>(2) Certified records of "approval notices" or "enforcement certifications" generated from federal immigration proceedings available to such victims.</p> <p>(3) A sworn statement from a trained professional staff of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the defendant has sought assistance in addressing the trauma associated with being trafficked.</p> <p>(c) If the court grants a motion under this section, the court must vacate the conviction and may take such additional action as is appropriate in the circumstances.</p> <hr/> <p>§ 15A-145.6. Expunctions for certain defendants convicted of prostitution.</p> <p>(a) The following definitions apply in this section:</p> <p>(1) Prostitution offense. — A conviction for (i) violation of G.S. 14-204 or (ii) engaging in prostitution in violation of G.S. 14-204(7) for an offense that occurred prior to October 1, 2013.</p> <p>(2) Violent felony or violent misdemeanor. — A Class A through G felony or a Class A1 misdemeanor that includes assault as an essential element of the offense.</p> <p>(b) A person who has been convicted of a prostitution offense may file a petition in the court where the person was convicted for expunction of the prostitution offense from the person's criminal record provided that all the following criteria are met:</p> <p>(1) The person has not previously been convicted of any violent felony or violent misdemeanor under the laws of the United States or the laws of this State or any other state.</p>	

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	<p>(2) The person satisfies any one of the following criteria:</p> <p>a. The person's participation in the prostitution offense was a result of having been a trafficking victim under G.S. 14-43.11 (human trafficking) or G.S. 14-43.13 (sexual servitude) or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)).</p> <p>b. The person has no prior convictions for a prostitution offense and at least three years have passed since the date of conviction or the completion of any active sentence, period of probation, and post-release supervision, whichever occurs later.</p> <p>c. The person received a conditional discharge pursuant to G.S. 14-204(b).</p> <p>....</p>	
<p>SECTION 18. CIVIL ACTION.</p> <p>(a) A victim may bring a civil action against a person that commits an offense under Section 3, 4, or 5 for [actual] [compensatory] damages, punitive damages, injunctive relief, and any other appropriate relief.</p> <p>(b) If a victim prevails in an action under this section, the court shall award the victim reasonable attorney's fees and costs.</p> <p>(c) An action under this section must be commenced not later than [10] years after the later of the date on which the victim:</p> <p>(1) no longer was subject to human trafficking; or</p> <p>(2) attained 18 years of age.</p> <p>(d) Damages awarded to the victim under this section for an item must be offset by any restitution paid to the victim pursuant to Section 10 for the same item.</p> <p>(e) This section does not preclude any other remedy available</p>	<p>None</p>	<p>The UAPRHT allows victims of human trafficking to sue offenders for civil damages.</p> <p>NC law does not include a civil action provision for human trafficking victims.</p>

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to a victim under federal law or law of this state other than this [act].		
<p>[SECTION 19. [COUNCIL] ON HUMAN TRAFFICKING.</p> <p>(a) The [Council] on Human Trafficking is created in [designate state department]. The [Governor] shall appoint the chair and members of the [council]. Members must include representatives of:</p> <ul style="list-style-type: none"> (1) [state, local, or tribal agencies] that have contact with victims or perpetrators; (2) nongovernmental organizations that represent, advocate for, or provide services to victims; and (3) other organizations and individuals, including victims, whose expertise would benefit the [council]. <p>(b) The [state agencies] represented on the [council] created under this section shall provide staff to the [council].</p> <p>(c) The [council] created under this section shall meet on a regular basis and:</p> <ul style="list-style-type: none"> (1) develop a coordinated and comprehensive plan to provide victims with services; (2) collect and evaluate data on human trafficking in this state and submit an annual report to the [Governor] [and Legislature]; (3) promote public awareness about human trafficking, victim remedies and services, and trafficking prevention; (4) create a public-awareness sign that contains the [[state][,] [local][,] and] National Human Trafficking Resource Center hotline information; (5) coordinate training on human-trafficking prevention 	<p>§ 114-70. North Carolina Human Trafficking Commission.</p> <p>(a) Establishment. — There is established in the Department of Justice the North Carolina Human Trafficking Commission. For purposes of this section, "Commission" means the North Carolina Human Trafficking Commission.</p> <p>(b) Membership. — The Commission shall consist of 12 members as follows:</p> <ul style="list-style-type: none"> (1) The President Pro Tempore of the Senate shall appoint one representative from each of the following: <ul style="list-style-type: none"> a. The public at large. b. A county sheriff's office. c. A city or town police department. d. Legal Aid of North Carolina. (2) The Speaker of the House of Representatives shall appoint one representative from each of the following: <ul style="list-style-type: none"> a. The public at large. b. North Carolina Coalition Against Human Trafficking. c. A faith-based shelter or benefits organization providing services to victims of human trafficking. d. A district attorney or an assistant district attorney. (3) The Governor shall appoint one representative from each of the following: 	<p>Both the UAPRHT and NC law have statutorily required human trafficking councils that work toward reducing human trafficking.</p>

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<p>and victim services for state [and local] employees who may have recurring contact with victims or perpetrators; and</p> <p>(6) conduct other appropriate activities.]</p>	<p>a. The Department of Labor.</p> <p>b. The Department of Justice.</p> <p>c. The Department of Public Safety.</p> <p>d. A health care representative.</p> <p>(c) Powers. — The Commission shall have the following powers:</p> <p>(1) To apply for and receive, on behalf of the State, funding from federal, public or private initiatives, grant programs, or donors that will assist in examining and countering the problem of human trafficking in North Carolina.</p> <p>(2) To commission, fund, and facilitate quantitative and qualitative research to explore the specific ways human trafficking is occurring in North Carolina and the links to international and domestic human trafficking, and to assist in creating measurement, assessment, and accountability mechanisms.</p> <p>(3) To contribute to efforts to inform and educate law enforcement personnel, social services providers, and the general public about human trafficking so that human traffickers can be prosecuted and victim-survivors can receive appropriate services.</p> <p>(4) To suggest new policies, procedures, or legislation to further the work of eradicating human trafficking and to provide assistance and review with new policies, procedures, and legislation.</p> <p>(5) To assist in developing regional response teams or other coordinated efforts to counter human trafficking at the level of law enforcement, legal services, social services, and nonprofits.</p> <p>(6) To identify gaps in law enforcement or service</p>	

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	<p>provision and recommend solutions to those gaps.</p> <p>(7) To consider whether human trafficking should be added to the list of criminal convictions that require registration under the sex offender and public protection registration program.</p> <p>(d) Terms and Chair. — Members shall serve two-year terms, with no prohibition against being reappointed. Any individual appointed to serve on the Commission shall serve until his or her successor is appointed and qualified. The chair shall be appointed biennially by the Governor from among the membership of the Commission.</p> <p>(e) Meetings. — The chair shall convene the Commission. Meetings shall be held as often as necessary, but not less than four times a year.</p> <p>(f) A majority of the members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Commission shall be necessary for action to be taken by the Commission.</p> <p>(g) Vacancies. — A vacancy on the Commission or as chair of the Commission resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term.</p> <p>(h) Removal. — The Commission may remove a member for misfeasance, malfeasance, nonfeasance, or neglect of duty.</p> <p>(i) Compensation. — Commission members shall receive no per diem for their services but shall be entitled to receive travel allowances in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as appropriate.</p> <p>(j) Staffing. — The Department of Justice shall be responsible</p>	

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	<p>for staffing the Commission.</p> <p>(k) Funding. — From funds available to the Department of Justice, the Attorney General shall allocate monies to fund the work of the Commission.</p>	
<p>[SECTION 20. DISPLAY OF PUBLIC-AWARENESS SIGN; PENALTY FOR FAILURE TO DISPLAY.</p> <p>(a) The [state transportation department] shall display a public-awareness sign that contains the [[state][,] [local][,] and] National Human Trafficking Resource Center hotline information in every transportation station, rest area, and welcome center in the state which is open to the public.</p> <p>(b) An employer shall display the public-awareness sign described in subsection (a) in a place that is clearly conspicuous and visible to employees and the public at each of the following locations in this state at which the employer has employees:</p> <ol style="list-style-type: none"> (1) a strip club and any other sexually-oriented business; (2) a business entity found to be a nuisance for prostitution under [cite state nuisance law]; (3) a job-recruitment center; (4) a hospital; or (5) an emergency care provider. <p>(c) The [state labor department] shall impose a [fine] of \$[300] per violation on an employer that knowingly fails to comply with subsection (b). The [fine] is the exclusive remedy for failure to comply.]</p>	<p>§ 14-202.13. Human trafficking public awareness sign. An adult establishment, as defined in G.S. 14-202.10, shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.</p> <p>§ 18B-1003. Responsibilities of permittee. ...</p> <p>(c1) Posting Human Trafficking Hotline. – All permittees shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.</p> <p>§ 19-8.4. Human trafficking public awareness sign. The owner, operator, or agent in charge of a business described in G.S. 19-1.2 shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.</p> <p>§ 131E-84.1. Human trafficking public awareness sign. Each hospital licensed under this Article shall prominently display in its emergency room or emergency department in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.</p>	<p>The UAPRHT includes a public-awareness display requirement and imposes a fine on certain employers who knowingly fail to comply.</p> <p>NC law provides that an adult establishment, alcohol retailer, nuisance business, hospital emergency room, transportation station, rest area, welcome center, and Department of Commerce employment center must post a human trafficking public awareness sign that contains the National Human Trafficking Resource hotline information.</p>

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	<p>§ 143B-348. Department of Transportation – head; rules, regulations, etc., of Board of Transportation. ...</p> <p>(c) The Secretary of Transportation shall require that every transportation station, rest area, and welcome center in the State prominently display in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.</p> <p>§ 143B-431.3. Human trafficking public awareness sign. The Secretary of the Department of Commerce shall require that every JobLink or other center under its authority that offers employment or training services to the public prominently display in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.</p>	
<p>SECTION 21. ELIGIBILITY FOR BENEFIT OR SERVICE.</p> <p>(a) A victim is eligible for a benefit or service available through the state [and identified in the plan developed under Section 19(c)(1)], including compensation under the [applicable state-crime-victims compensation fund], regardless of immigration status.</p> <p>(b) A minor who has engaged in commercial sexual activity is eligible for a benefit or service available through the state [and identified in the plan developed under Section 19(c)(1)], regardless of immigration status.</p> <p>(c) As soon as practicable after a first encounter with an individual who reasonably appears to [the appropriate state or local agency] to be a victim or a minor who has engaged in commercial sexual activity, the [agency] shall notify the</p>	<p>§ 14-43.11. Human trafficking. ...</p> <p>(d) A person who is not a legal resident of North Carolina, and would consequently be ineligible for State public benefits or services, shall be eligible for the public benefits and services of any State agency if the person is otherwise eligible for the public benefit and is a victim of an offense charged under this section. Eligibility for public benefits and services shall terminate at such time as the victim's eligibility to remain in the United States is terminated under federal law.</p> <hr/> <p>§ 14-43.20. Mandatory restitution; victim services; forfeiture. ...</p>	<p>Both the UAPRHT and NC law explicitly state that victims of human trafficking are eligible for state services regardless of their immigration status.</p> <p>NC law allows DHHS to provide emergency services and assistance to human trafficking victims.</p>

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<p>[appropriate state or local agency] [identified in the comprehensive plan developed under Section 19(c)(1)] that the individual may be eligible for a benefit or service under the law of this state.</p>	<p>(c) Trafficking Victim Services. — Subject to the availability of funds, the Department of Health and Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses under G.S. 14-43.11, 14-43.12, or 14-43.13.</p> <p>....</p> <hr/> <p>§ 15A-830. Definitions.</p> <p>(a) The following definitions apply in this Article:</p> <p>...</p> <p>(7) Victim. — A person against whom there is probable cause to believe one of the following crimes was committed:</p> <p style="padding-left: 40px;">a. A Class A, B1, B2, C, D, or E felony.</p> <p style="padding-left: 40px;">b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.3; 14-43.11; 14-202.1; 14-277.3A; 14-288.9; 20-138.5; former G.S. 14-190.19; or former G.S. 14-277.3.</p> <p>....</p> <p>(Emphasis added.)</p> <hr/> <p>§ 15A-831. Responsibilities of law enforcement agency.</p> <p>(a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:</p> <p style="padding-left: 40px;">(1) The availability of medical services, if needed.</p> <p style="padding-left: 40px;">(2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address</p>	<p>NC law's Crime Victims' Rights Act covers human trafficking victims.</p>

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	<p>and telephone number of the agency responsible for dispensing the funds.</p> <p>(3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.</p> <p>(4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.</p> <p>(5) Information about an accused's opportunity for pretrial release.</p> <p>(6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.</p> <p>(7) The informational sheet described in G.S. 50B-3(c1), if there was a personal relationship, as defined in G.S. 50B-1(b), with the accused.</p> <p>(b) As soon as practicable but within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest.</p> <p>(c) As soon as practicable but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall forward to the district attorney's office that will be responsible for prosecuting the case the defendant's name and the victim's name, address, date of birth, social security number, race, sex, and telephone number, unless the victim</p>	

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	<p>refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.</p> <p>(d) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency on the status of the accused during the pretrial process. If the victim elects to receive further notices during the pretrial process, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.</p> <hr/> <p>§ 15A-832. Responsibilities of the district attorney's office. ...</p> <p>(h) When a person is a victim of a human trafficking offense and is entitled to benefits and services pursuant to G.S. 14-43.11(d), the district attorney's office shall so notify the Office of the Attorney General and Legal Aid of North Carolina, Inc., in addition to providing services under this Article.</p> <hr/> <p>§ 15B-2. Definitions.</p> <p>As used in this Article, the following definitions apply, unless the context requires otherwise: ...</p> <p>(2) Claimant. — Any of the following persons who claims an award of compensation under this Article:</p> <ul style="list-style-type: none"> a. A victim; b. A dependent of a deceased victim; 	<p>NC law's Crime Victims Compensation Act covers human trafficking victims, including victims who were convicted of prostitution for the first time.</p>

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	<p>...</p> <p>e. A person who was convicted of a first offense under G.S. 14-204 and whose participation in the offense was a result of having been a trafficking victim under G.S. 14-43.11 or G.S. 14-43.13 or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)).</p> <p>...</p> <p>(10) Economic loss. — Economic detriment consisting only of allowable expense, work loss, replacement services loss, and household support loss. If criminally injurious conduct causes death, economic loss includes a dependent's economic loss and a dependent's replacement service loss. Noneconomic detriment is not economic loss, but economic loss may be caused by pain and suffering or physical impairment.</p> <p>...</p> <p>(13) Victim. — A person who suffers personal injury or death proximately caused by criminally injurious conduct.</p> <p>....</p> <hr/> <p>§ 15B-4. Award of compensation.</p> <p>(a) Subject to the limitations in G.S. 15B-22, compensation for criminally injurious conduct shall be awarded to a claimant if substantial evidence establishes that the requirements for an award have been met. Compensation shall only be paid for economic loss and not for noneconomic detriment. The [Crime Victims Compensation] Commission shall follow the rules of liability applicable to civil tort law in North Carolina.</p> <p>....</p> <hr/> <p>§ 7A-474.2. Definitions.</p> <p>The following definitions shall apply throughout this Article,</p>	<p>NC law's Access to Civil Justice Act covers human trafficking victims.</p>

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	<p>unless the context otherwise requires:</p> <p>(1) "Eligible client" means a resident of North Carolina financially eligible for representation under the Legal Services Corporation Act, regulations, and interpretations adopted thereunder (45 C.F.R. § 1611, and subsequent revisions), or a person entitled to State benefits or services pursuant to G.S. 14-43.11(d).</p> <p>(1a) "Established legal services programs" means the following not-for-profit corporations using State funds to serve the counties listed: Legal Services of the Southern Piedmont, serving Cabarrus, Gaston, Mecklenburg, Stanly, and Union Counties; Pisgah Legal Services, serving Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties; and Legal Aid of North Carolina, a statewide program; or any successor entity or entities of the named organizations, or, should any of the named organizations dissolve, the entity or entities providing substantially the same services in substantially the same service area.</p> <p>(2) "Legal assistance" means the provision of any legal services, as defined by Chapter 84 of the General Statutes, consistent with this Article. Provided, that all legal services provided hereunder shall be performed consistently with the Rules of Professional Conduct promulgated by the North Carolina State Bar. Provided, further, that no funds appropriated under this Article shall be used for lobbying to influence the passage or defeat of any legislation before any municipal, county, state, or national legislative body.</p> <p>....</p> <p>(Emphasis added.)</p> <hr/> <p>§ 7A-474.3. Eligible activities and limitations.</p> <p>(a) Eligible Activities. Funds appropriated under this Article</p>	

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	<p>shall be used only for the following purposes:</p> <p>(1) To provide legal assistance to eligible clients;</p> <p>(2) To provide education to eligible clients regarding their rights and duties under the law;</p> <p>(3) To involve the private bar in the representation of eligible clients pursuant to this Article.</p> <p>(b) Eligible Cases. Legal assistance shall be provided to eligible clients under this Article only in the following types of cases:</p> <p>...</p> <p>(2a) Assistance for eligible clients in obtaining benefits or assistance under any federal law or program providing benefits or assistance for human trafficking victims.</p> <p>....</p>	
<p>SECTION 22. LAW-ENFORCEMENT PROTOCOL.</p> <p>(a) On request from an individual whom a [law-enforcement officer] reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. Section 1101(a)(15)(T)[, as amended,] or 8 U.S.C. Section 1101(a)(15)(U)[, as amended], or for continued presence under 22 U.S.C. Section 7105(c)(3)[, as amended], the [law-enforcement officer], as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and ask a federal [law-enforcement officer] to request continued presence.</p> <p>(b) If the [law-enforcement agency] determines that an individual does not meet the requirements for the [agency] to comply with subsection (a), the [agency] shall inform the individual of the reason and that the individual may make another request under subsection (a) and submit additional</p>	<p>§ 14-43.20. Mandatory restitution; victim services; forfeiture.</p> <p>...</p> <p>(d) Certification. — The Attorney General, a district attorney, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Article for a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 has begun and the individual who is a likely victim of one of those crimes is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims who are under 18 years of age. This certification shall be made available to the victim and the victim's designated legal representative.</p> <p>....</p>	<p>The UAPRHT allows human trafficking victims from other countries to receive certain federal benefits, including nonimmigrant T or U visas or “continued presence.”</p> <p>NC law includes a similar provision but outlines a different procedure.</p>

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evidence satisfying the requirements.		
<p>[SECTION 23. GRANT TO OR CONTRACT WITH SERVICE PROVIDER.]</p> <p>(a) [To the extent that funds are appropriated for this purpose, the] [The] [appropriate state agency] may make a grant to or contract with a unit of state or local government [, Indian tribe,] or nongovernmental victims service organization to develop or expand service programs for victims.</p> <p>(b) A recipient of a grant or contract under subsection (a) shall report annually to [the [council] created by Section 19] [insert appropriate authority] the number and demographic information of all victims receiving services under the grant or contract.]</p>	None	<p>The UAPRHT authorizes grants to governmental and nongovernmental entities serving human trafficking victims.</p> <p>NC law does not include any express provision on the use of grants for developing service programs for victims.</p>
<p>SECTION 24. UNIFORMITY OF APPLICATION AND CONSTRUCTION.</p> <p>In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.</p>	None	
<p>[SECTION 25. SEVERABILITY.]</p> <p>If any provision of this [act] or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [act] which can be given effect without the invalid provision or application, and to this end the provisions of this [act] are severable.]</p>	None	
<p>SECTION 26. EFFECTIVE DATE.</p> <p>This [act] takes effect....</p>	None	

S.L. 2017-57, s. 17.4, provides that an adult establishment, alcohol retailer, nuisance business, hospital emergency room, transportation station, rest area, welcome center, and Department of Commerce employment center must post a human trafficking public awareness sign provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information. S.L. 2017-57, s. 17.4, is comparable to Section 20 of the UAPRHT.

S.L. 2017-126 adds a new G.S. 115C-81.30 that, among other requirements, requires a local school administrative unit to teach about sex trafficking prevention and awareness and to collaborate with a group of consultants to address the threat of sex trafficking and to establish a referral protocol for high-risk pupils and minors. S.L. 2017-126 is not comparable to any provision of the UAPRHT.

S.L. 2017-151 increases the criminal penalty for human trafficking from a Class F felony to a Class C felony if the victim is an adult and from a Class C felony to a Class B2 felony if the victim is a minor. This part of S.L. 2017-151 is comparable to Section 3(b) and (c) of the UAPRHT. SB 548 also authorizes the North Carolina Board of Massage and Bodywork Therapy to regulate massage and bodywork therapy establishments and prohibits the practice of massage and bodywork therapy in an adult establishment. This part of S.L. 2017-151 is not comparable to any provision of the UAPRHT.

SB 500 broadens the offense of human trafficking to also include an individual who "advertises, maintains, patronizes, or solicits" another person for involuntary servitude or sexual servitude. SB 500 also adds two new offenses: profiting from human trafficking and obstruction of investigation of human trafficking. SB 500 is not comparable to any provision of the UAPRHT. SB 500 did not make crossover.

HB 910 establishes a pilot program to educate students about the dangers and signs of human trafficking and a pilot program to train law enforcement officers to identify signs of human trafficking. HB 910 also appropriates funds to the Department of Health and Human Services to provide shelter beds and mental health services to victims of human trafficking. HB 910 is not comparable to any provision of the UAPRHT. HB 910 did not make crossover.